



JON S. CORZINE  
GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.  
COMMISSIONER

**Merit System Board**

**AGENDA OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
MAY 24, 2006**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Margaret E.L. Howard  
Robert Long**

**WITHDRAWAL OF APPEALS**

**RECOMMENDATION: The following appeals be removed from the hearing calendar and considered closed.**

**The following appellants, who have been granted a hearing, wish to withdraw their appeals:**

**Jeffrey Crawford**, Electrician, Essex County, Department of Public Works, removal.

**Shirley Crawford**, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, suspension.

**James Fogle**, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, indefinite suspension.

**James Hudson**, Plumbing Subcode Official, Construction Department, Borough of Sayreville, removal.

**Clairetha Jackson**, Principal Clerk Typist, Department of Inspections, City of Trenton, two suspensions.

**Lloyd Martin**, Youth Worker, Department of Human Services, County of Mercer, suspension and removal.

**Lena Hornes Matthews**, Food Service Worker, County of Cumberland, removal.

**Gregory Moody**, Child Care Quality Assurance Inspector 2, Division of Youth and Family Services, Department of Human Services, release at the end of the working test period.

**Joseph Nasatka**, Truck Driver, Single Axle, Department of Transportation, list bypass.

**Charles Nelson**, Associate Supervisor 3, New Jersey City University, release at the end of the working test period.

**Christopher Pesci**, Fire Fighter, Department of Public Safety, Township of Nutley, reconsideration.

**Matthew Reyes**, Juvenile Detention Officer, Department of Youth Services, County of Passaic, suspension.

**Carolyn Rothlisberger**, Probation Officer, Department of the Judiciary, Ocean Vicinage, two suspensions.

**Sally Scherer**, Principal Clerk Typist, Department of Public Works, Township of Woodbridge, resignation not in good standing and removal.

**Edward Wengerter**, Fire Fighter, North Hudson Regional Fire/Rescue, Department of Public Safety, removal.

**DISMISSAL OF APPEALS – FAILURE TO APPEAR**

**RECOMMENDATION:** The following cases be dismissed without prejudice.

**The following appellants failed to appear at the scheduled hearing before the Office of Administrative Law and have not submitted an explanation for their failure to appear:**

**Karen Nelson**, Family Service Worker, Department of Citizen Services, County of Essex, release at the end of working test period.

**Larry Pyner**, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal.

**Charles Slade**, Laborer, Department of Public Works, City of Paterson, removal.

**April Swift**, Public Safety Telecommunicator Trainee, Township of Lakewood, release at the end of working test period.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Marjorie Acheampong  
The College of New Jersey  
Resignation not in good standing

In the Matter of John Bokelman  
Borough of Belmar  
Department of Public Works  
Removal

In the Matter of Laquan Bush  
Adult Diagnostic Treatment Center  
Department of Corrections  
Suspension and Release at the end of the working test period

In the Matter of Joseph Caiati  
Borough of Lodi  
Police Department  
List Bypass, Suspension and Demotion

In the Matter of Evern W. Dock  
William Paterson University of New Jersey  
Suspension

In the Matter of Virginia Rynone  
Veteran's Memorial Home, Menlo Park  
Department of Military and Veteran's Affairs  
Suspension

In the Matter of Michael Scarlata  
County of Union  
Department of Public Safety  
Suspension

In the Matter of Nadine White  
Department of Environmental Protection  
Release at the end of the working test period

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE  
ABOVE CASES – SETTLEMENT**

**ACTION:**

**A-2 LARRY L. MARTIN**

Larry L. Martin, Police Officer, City of Jersey City, Police Department, 60-day suspension on charges of violating rules and regulations regarding untruthfulness and failure to safeguard a firearm.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 45-day suspension.

**ACTION:**

**A-3 GUSTAVO SANCHEZ**

Gustavo Sanchez, County Correction Officer, County of Middlesex, Department of Corrections, 60-day suspension on charges of professional conduct and responsibilities, insubordination and withholding information or giving false information.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 10-day suspension.

**ACTION:**

**A-4 CLAUDINE A. SCOZZARI**

Claudine A. Scozzari, Civil Engineer Trainee, Department of Transportation, release at the end of the working test period effective September 30, 2004.

Recommendation of the Administrative Law Judge - Uphold the release at the end of the working test period.

**ACTION:**

**A-5 CHESTER SOLOWIEJ**

Chester Solowiej, Police Officer, City of Newark, Police Department, ten-day suspension on charges of insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the ten-day suspension to a seven-day suspension.

**ACTION:**

**A-6 ELVIS L. GOODEN, SR.**

Elvis L. Gooden, Sr., Supervisor of Accounts, Township of Monroe, Finance, removal effective March 3, 2005, on charges of incompetency, inefficiency or failure to perform duties, insubordination, inability to perform duties, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge - Grant Summary Decision and dismiss the appeal.

**ACTION:**

**A-7 JOHN W. KELLY**

John W. Kelly, County Correction Officer, County of Gloucester, Sheriff's Department, removal effective May 1, 2005, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge - Uphold the removal.

**ACTION:**

**A-8 REGAN LORE**

Regan Lore, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal on charges of other sufficient cause and use, possession or sale of any controlled dangerous substance.

Recommendation of the Administrative Law Judge - Reverse the removal.

**ACTION:**

**A-9 NATHANIEL NIXON**

Nathaniel Nixon, Custodial Worker, Newark School District, removal effective July 8, 2002, on charges of chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-10 EDWARD C. STANSFIELD, JR.**

Edward C. Stansfield, Jr., County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective March 22, 2005, on charges of violation of Department policy, rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-11 ERIC WHISNANT**

Eric Whisnant, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective December 11, 2003, on charges of neglect of duty and falsification.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-12 TIMOTHY MITCHELL**

Timothy Mitchell, Correction Sergeant, South Woods State Prison, Department of Corrections, removal effective August 6, 2004, on charges of conduct unbecoming a public employee, neglect of duty, physical or mental abuse of inmates, patients, clients, residents, or employees, negligence in performing duties resulting in injury to persons or damage to property, intentional abuse or misuse of authority or position and other sufficient cause. This matter was held over from the April 26, 2006 Merit System Board meeting.

Recommendation of the Administrative Law Judge - Reverse the removal.

**ACTION:**

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 MICHAEL BANNAN**

Michael Bannan appeals the removal of his name from the (S9999D) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

**ACTION:**

**B-2 JOSEPH CAREY**

Joseph Carey appeals the rejection as a Fire Fighter candidate by the Village of Ridgewood and its request to remove his name from the eligible list for Fire Fighter (M2051A) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:**

**B-3 MICHAEL IADAROLA**

Michael Iadarola appeals the removal of his name from the (S9999F) eligible list for the title of Correction Officer Recruit, Juvenile Justice Commission on the basis of psychological unfitness.

**ACTION:**

**B-4 CHRISTOPHER LEE**

Christopher Lee appeals the removal of his name from the (S9999D) eligible list for the title of County Correction Officer, County of Bergen on the basis of psychological unfitness.

**ACTION:**

**B-5 FERNANDO LUGO**

Fernando Lugo appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, City of Paterson on the basis of psychological unfitness.

**ACTION:**

**B-6 SHAKIRAH MCGHEE**

Shakirah McGhee appeals the removal of her name from the (S9999D) eligible list for the title of County Correction Officer, County of Essex on the basis of psychological unfitness.

**ACTION:**

**B-7 FRANK RUBINO**

Frank Rubino, represented by Ciro A. Spina, III, Esq., appeals the removal of his name from the (S9999D) eligible list for the title of Police Officer, City of East Orange on the basis of psychological unfitness.

**ACTION:**



**B-8 JEFFREY M. TERRY**

Jeffrey M. Terry, represented by Peter J. Cresci, Esq., appeals his rejection as a Police Officer candidate by Morristown and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:**

**B-9 MARIAM S. TIZOL**

Mariam S. Tizol appeals the removal of her name from the (S9999D) eligible list for the title of Police Office, Bilingual in Spanish and English, City of Orange on the basis of psychological unfitness.

**ACTION:**

**B-10 JOSEPH M. VANNELLA**

Joseph M. Vannella appeals the removal of his name from the (S9999D) eligible list for the title of Sheriff's Officer, County of Ocean on the basis of psychological unfitness.

**ACTION:**

**B-11 JOHN E. VENCE**

John E. Vence, represented by Glenn C. Slavin, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2273E) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:**

**B-12 DONALD E. JACKSON**

Donald E. Jackson, a Senior Probation Officer with the Judiciary, Camden Vicinage, represented by Mark Cimino, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-13 IVY JORDAN**

Ivy Jordan, a Human Services Technician at Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-14 DESIREE MACHO**

Desiree Macho, an Assistant Food Service Supervisor 1 with South Woods State Prison, Department of Corrections, represented by Michele Long Vickers, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-15 BRIAN MCGOWAN**

Brian McGowan, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-16 HELEN SANCHEZ**

Helen Sanchez, a Communications Operator, Secured Facilities with Mountainview Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-17 LINDA SCYTHES**

Linda Scythes, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-18 DEBORAH STOUT-MURPHY**

Deborah Stout-Murphy, a Family Service Specialist 1 with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-19 STACY ZBIKOWSKI**

Stacy Zbikowski, a Senior Correction Officer, Juvenile Justice with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits regarding two separate incidents.

**ACTION:**

**B-20 DEODAT SUKNANAN**

Deodat Suknanan appeals the request of Jersey City to remove his name from the Security Guard (M0190D), Jersey City eligible list based on a claimed inability to communicate effectively in English in order to perform the duties of the position.

**ACTION:**

**B-21 ANGELA VENICE**

Angela Venice appeals the decision of Human Resource Information Services which removed her name from the Sheriff's Officer (S9999D), Hudson County eligible list, due to her failure to complete the pre-employment process.

**ACTION:**

**B-22 HENRY VANCE DAVIS**

Ramapo College of New Jersey, represented by Melissa E. Hager, Deputy Attorney General, petitions the Merit System Board for reconsideration of the decision rendered on September 21, 2005 which referred the matter of Henry Vance Davis to the Office of Administrative Law for a hearing in order to determine if he violated the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace (State Policy).

**ACTION:**

**B-23 TRACY MEDWIN AND PHILIP DIGAVERO**

Tracy Medwin and Philip DiGavero, represented by Benjamin Benson, Esq., request reconsideration of the final administrative determination in *In the Matter of Richard Ferraro, et al., Sheriff's Officer Sergeant* (MSB, decided September 7, 2005).

**ACTION:**

**B-24 SONYA JACKSON**

Sonya Jackson petitions the Merit System Board for reconsideration of its decision rendered on March 22, 2006 in which her request for admittance to the examination for Supervising Program Support Specialist (Assistance Programs) (PS6211K), Division of Family Development, Department of Human Services, was denied.

**ACTION:**

**B-25 WINIFRED ALLEN**

Winifred Allen, a Technical Assistant 3 with Ancora Psychiatric Hospital, Department of Human Services, petitions the Merit System Board for enforcement of the settlement agreement acknowledged by the Board at its meeting on October 22, 2003.

**ACTION:**

**B-26 ANTHONY CONSIGLIO**

The appeal of Anthony Consiglio, an Institutional Trade Instructor 2 (Cooking) with the Adult Diagnostic and Treatment Center, Department of Corrections, of his 10-day suspension on charges, was considered by Administrative Law Judge Leslie Z. Celentano, who rendered her initial decision on January 9, 2006, recommending acknowledgment of the settlement of the parties.

**ACTION:**

**B-27 FRED FISCHBACH**

The appeal of Fred Fischbach, a Recycling Operator with the County of Ocean, of his demotion on charges, was considered by Administrative Law Judge Stephanie M. Wauters, who rendered her initial decision on March 3, 2006, recommending acknowledgement of the settlement of the parties.

**ACTION:**

**B-28 PAUL KLEIBER**

Paul Kleiber, a Police Officer with the Borough of Ringwood, represented by Todd J. Gelfand, Esq., petitions the Merit System Board for interim relief of his indefinite suspension, commencing on October 31, 2005, pending the disposition of criminal charges.

**ACTION:**

**B-29 ROBERT SUGRUE**

Robert Sugrue, a former Construction and Maintenance Technician 3 with the Department of Transportation, represented by Ilene J. McFarland, Esq., requests that the Merit System Board reinstate his appeal of a resignation not in good standing, which was dismissed based on his failure to appear at a scheduled settlement conference.

**ACTION:**

**B-30 DARYL GORDON**

Passaic County requests a retroactive permanent appointment date for Daryl Gordon, a Sheriff's Officer.

**ACTION:**

**B-31 JILL A. BABASHAK**

Jill A. Babashak appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS6538K), Division of Developmental Disabilities, Department of Human Services.

**ACTION:**

**B-32 ALKESH M. DESAI**

Alkesh M. Desai appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Project Engineer, Maintenance (PS8052T), Operations, Department of Transportation.

**ACTION:**

**B-33 SYLVIA ELLIS**

Sylvia Ellis appeals the determination of the Division of Selection Services which found that, as per the substitution clause for education, she did not meet the experience requirements for the promotional examinations for Driver Improvement Analyst 3 (PS5626T), Motor Vehicle Commission and Driver Improvement Analyst 2 (PS5625T), Motor Vehicle Commission. This matter was held over at the January 25, 2006 Merit System Board meeting for further review.

**ACTION:**

**B-34 NATALIE SENDLER**

Natalie Sandler appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Assistant Director of Public Health Nursing Service (PC0864G), Cape May County.

**ACTION:**

**B-35 GARY BUCHHEISTER AND DIANE STOLLER**

Gary Buchheister and Diane Stoller appeal the determinations of the Division of Selection Services that they were below the minimum requirements in education and experience for the open competitive examination for Recreation Program Administrator (Senior Citizens) (M6139G), Township of Teaneck.

**ACTION:**

**B-36 NATASHA C. COLLINS AND LYNETTE L. WARE**

Natasha C. Collins and Lynette L. Ware appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the open competitive examination for Senior Legal Stenographer (M0972G), City of Newark.

**ACTION:**

**B-37 CRYSTAL BURKE**

Crystal Burke appeals her non-admittance to the promotional examination for Unemployment Insurance Clerk (PS36667N), Department of Labor and Workforce Development.

**ACTION:**

**B-38 TIMOTHY MULHOLLAND, ET AL.**

Timothy Mulholland, Daniel Turner, and Louis Williams appeal their non-admittance to the promotional examination for Compactor Truck Driver (PC1189F), Monmouth County.

**ACTION:**

**B-39 ALICE BALDWIN, ET AL.**

Alice Baldwin, Jenice Bogado, Elmalean Bowser, Hannah Boyce, Louise Kolaski, Ottavia Lupinacci, and Dolores Shemelia appeal the validity of the promotional examination for Records Technician 2, Motor Vehicles (PS5627T), Motor Vehicle Commission.

**ACTION:**

**B-40 NICHOLAS LUCIVERO**

Nicholas Lucivero appeals the validity of the promotional examination for Safety Specialist 1, DMV (PS5608T), Motor Vehicle Commission.

**ACTION:**

**B-41 CHRISTINE SMITH**

Christine Smith appeals the administration and validity of the promotional examinations for Customer Service Information Specialist 1 (PS5623T), Records Technician 2, Motor Vehicles (PS5627T), and Records Technician 3, Motor Vehicles (PS5628T), Motor Vehicle Commission.

**ACTION:**

**B-42 MARLENE TAFFLER**

Marlene Taffler appeals the administration and validity of the promotional examination for Records Technician 3 (PS5607T), Motor Vehicle Commission.

**ACTION:**

**B-43 PROPOSED AMENDMENTS: N.J.A.C. 4A:1-1.3 AND 4A:2-2.4  
(SUSPENSIONS ON THE RECORD)**

It is recommended that a Notice of Proposal regarding amendments to N.J.A.C. 4A:1-1.3 and 4A:2-2.4 (Suspensions on the Record) be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

**ACTION:**

**B-44 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of May 10, 2006 are submitted for adoption.

**ACTION:**